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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 002046

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TAGS: PREL PHUM PTER CE

SUBJECT: SRI LANKA: ALL PARTY REPRESENTATIVE COMMITTEE  
WIELDS POTENTIAL FOR "SOUTHERN CONSENSUS" ON PEACE PROCESS

Classified By: AMBASSADOR ROBERT O. BLAKE, JR. FOR REASONS 1.4(b) and (d)

¶1. (SBU) Summary: President Rajapaksa appointed a Panel of Experts (PoE), all lawyers, to draft constitutional recommendations for a "maximum devolution" proposal that can form the basis for talks with the LTTE. Some supporters of the governing Sri Lanka Freedom Party (SLFP) and some Tamil legal scholars on the PoE signed on to the majority opinion. It contains a number of concrete, feasible proposals for a new constitution, including improved regional representation and minority language rights. The All Party Representative Committee (APRC) is considering the document. The major opposition UNP does not have a representative in the APRC, but the UNP signed a Memorandum of Understanding to cooperate with the ruling SLFP on the ethnic conflict, paving the way for UNP engagement in the APRC. Science and Technology Minister Vitharana, who chairs the APRC, told the Ambassador the APRC process could take "months." Ambassador stressed the urgency of completing the process so peace negotiations can begin. End summary.

¶2. (U) The president appointed a group of lawyers as a &Panel of Experts8 (PoE) to draft revisions to the constitution to address the conflict,s underlying causes. On December 6, the PoE submitted a majority opinion stating that:  
--the country should be called the 'Republic of Sri Lanka' consisting of 'one, free, sovereign and independent state' made up of 'the constituent people of Sri Lanka'  
--there should be a president and two deputy presidents, each from a different ethnic background, along with a vice president who can be from any ethnic community  
--the province should be the unit of devolved power, with the caveat that primarily geographically contiguous areas should make up provinces, though ethnicity of residents can be taken into consideration  
--there should be a bicameral legislature consisting of a lower house that is directly elected and an upper house made up of regional representatives  
--the north and east should be merged but have two sub-units and ensure rights for minorities within the region  
--Sinhala and Tamil should be the official and administrative languages, with Sinhala, Tamil, and English as the national languages

--over a period of time, school-leaving examinations should include Sinhala, Tamil, and English as compulsory subjects  
--an Autonomous Zonal Council and an Indian Tamil Cultural Council should be formed to represent Indian Tamils in the hill country,  
--in addition to the existent National Police Service, complementary Provincial Police Services should be formed  
--the cabinet should reflect the ethnic and geographic diversity of Sri Lanka

¶3. (SBU) The APRC is currently considering the majority opinion. The press reported that six members of the PoE, including lawyers from the Buddhist monk-based Jathika Hela Urumaya (JHU), Marxist, Sinhalese chauvinist Janatha Vimukthi Peramuna (JVP), and Sinhalese nationalist supporters of the opposition United National Party (UNP), presented a dissenting opinion. (Note: The UNP generally finds support amongst moderates, so these PoE members are not representative of the party as a whole. End note.) According to most analysts, it is unlikely the minority opinions will find much traction in the APRC.

¶4. (C) On December 11 the Ambassador met with Science and Technology Minister Tissa Vitharana, who chairs the APRC. Vitharana said the APRC is considering the majority and dissent opinions and two short working papers from the PoE, and will attempt to reconcile all the ideas into a single document. The Ambassador expressed concern that if the APRC tried to accommodate all views, including those of extremist parties such as the JVP, the resultant document might be so watered down that the Liberation Tigers of Tamil Eelam (LTTE) would reject it out of hand. Vitharana concurred,

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saying he had some ideas to compensate for such disagreements. He noted that if the final APRC position were too vague, the LTTE might reject it, but if it made too many concessions, the Tigers could then demand more than the Sinhalese consensus could deliver. He proposes to keep the southern parties together by highlighting common positions, and eventually publish an outcome paper with a range of options on any disputed clauses.

¶5. (C) Vitharana envisioned a timetable of "a few months" to produce such a document, noting that some details, such as who will appoint provincial governors, have not been addressed as yet in the PoE papers. Ambassador expressed the urgent need for a more rapid timetable since a credible power-sharing proposal is urgently needed to get the parties back to negotiations. A lengthy APRC process would encourage both sides to continue fighting. Vitharana agreed, commenting that he could draft something "in a week." However, the consultation process was vital to keeping parties such as the JVP and JHU part of the process. He also doubted the LTTE was prepared to lay down its arms just yet. On a positive note, Vitharana said the UNP is also considering the PoE recommendations and will participate in the APRC at the meeting following the next one.

¶6. (C) Comment: APRC Chair Vitharana struck us as pragmatic, capable and unburdened with ideological baggage. He clearly understands the need to balance a Sinhalese consensus with a viable position that forms a credible basis for talks with the Tigers. If Vitharana succeeds in pushing the APRC to produce a document with enough specifics to build confidence within the Tamil community while offering a range of options for the Sinhalese, it will go a long way toward laying the groundwork for a negotiated settlement. The PoE majority opinion is an excellent start, offering, as it does, constitutional recommendations that address Tamil grievances. It is also encouraging that Tamil legal analysts took part in its drafting. While we understand Vitharana's point that the APRC's work ahead is difficult, and that all voices will need to feel they have been heard, time is also of the essence. We will continue to press the government to move forward with some urgency to keep this process moving. End

comment.  
BLAKE